IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Regular Second Appeal No.4025 of 2007

Date of Decision: December 17, 2007

State of Punjab and others .....Appellants.

Versus

Ujjagar Singh .....Respondent

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.Piyush Kant Jain, Additional AG Punjab
for the appellants.

S. D. ANAND, J.

1. The plaintiff-respondent's claim for continuation in service after the age of 60 years stemmed from the fact that he was in employment of the Erstwhile Pepsu State Government before its merger in the State of Punjab and his service conditions as a Class-IV employee allowed his retention in service upto that age.

2. Learned Trial Court and also the learned First Appellate Court upheld the claim of the plaintiff-respondent.

3. Learned State counsel argues that the provision relied upon by both the Courts would be applicable only if the plaintiff-respondent was holding a Class-IV post.

4. I called upon the learned State counsel to indicate as to whether the plaintiff-respondent came to occupy a Class-III post on the basis of an act on his own part or the conversion of the post from Class-IV

to Class-III. Learned State counsel states that the material obtaining on the file is not indicative of either eventuality. In the light thereof, it is apparent that the service conditions of the plaintiff-respondent cannot be varied to his disadvantage without adopting the proper procedure in terms of the merger documentation.

5. No question of law, much less substantial in nature, arises for determination in this case by this Court.

6. Dismissed.

(S. D. ANAND)
JUDGE

December 17, 2007
SRM

Note: Whether referred to reporter ? Yes/No